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October 13, 2015

**Via ECF & Via Fax at (212) 805-6737**

Honorable George B. Daniels  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**SO ORDERED:**

*George B. Daniels*  
**George B. Daniels, U.S.D.J.**

**Dated:** OCT 14 2015

Re: Giordano-Forkan, Rose vs. the City of New York, et al.  
Docket No. 13 Civ. 06950 (GBD)  
Third Application for Adjustment of Summary Judgment Briefing  
Schedule

Dear Judge Daniels:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel for the City of New York, attorney for the defendants in the above-captioned action. Pursuant to Your Honor's Motion and Individual Practices, Rule 2.F, defendants write to request a final enlargement of time to serve and file their anticipated motion for summary judgment.

Defendants' anticipated motion for summary judgment is currently due to be filed on or before Friday, October 16, 2015, Your Honor having granted defendants' earlier applications, made on September 16<sup>th</sup> and September 30<sup>th</sup>, respectively, on consent, for two consecutive, two-week extensions of time to serve their summary judgment motion, originally due on September 18, 2015.

Defendants now seek a final modification of the briefing schedule such that they might serve their motion two weeks later, on Friday, October 30, 2015, as the parties continue their negotiations regarding settlement. Defendants discussed their proposed application to adjust the briefing schedule this evening with counsel for plaintiff, who offered his consent to the instant application.

Defendants accordingly propose the following adjusted briefing schedule:

- Defendants' anticipated summary judgment motion papers to be served on or before Friday, October 30, 2015;

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- Plaintiff's opposition to defendants' anticipated summary judgment motion to be served on or before Monday, November 24, 2015;
- Defendants' reply, if any, to be served on or before Monday, December 15, 2015.

Since I last wrote to the Court on September 30<sup>th</sup>, the parties have continued their discussions regarding settlement through the mediator, Albert M. Appel, Esq., of Stroock & Stroock & Lavan LLP. As described in my September 30<sup>th</sup> letter, on Monday, September 28<sup>th</sup>, Mr. Appel conveyed plaintiff's most recent demand for settlement to this office, and defendants have considered the demand and are preparing a response, in conjunction with the Office of the Comptroller. My most recent conversation with Mr. Appel took place this afternoon, and I expect productive negotiations to continue over the next few weeks.

Both parties remain hopeful that resolution may be a possibility in this matter, and hope to finalize their discussions of settlement before filing briefs on the anticipated summary judgment motion.

I thank the Court for its consideration of this request.

Respectfully submitted,

/s/

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Stephen P. Pischl  
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cc: Bryan D. Glass, Esq. (by ECF)  
Glass Krakower LLP  
*Attorney for Plaintiff*